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An Ombudsman Proposal Committee met from Spring through Summer 1968 to consider establishing an ombudsman at Colorado State College. The ombudsman concept is aimed at bridging the gap between a governing administrative structure and the constituents of that structure. The basic features of the ombudsman are that: he is an officer of the legislature not the executive; he assumes an impartial position and is politically independent of the legislature; he has no authority to alter a decision already made by the courts, legislative or administrative body; he is free to investigate on his own initiative; he can perform his duties in an informal, direct, speedy and inexpensive manner. Lacking the opportunity to learn the administrative structure and as transient members of the campus, students need such a channel of communication. The recommendations of the Committee (which were later voted on and adopted) included a general overview of what the Ombudsman of Colorado State College should be; how the Office of Ombudsman should be established; and what were the basic structure, authority and responsibilities of the Office. The composition and duties of an Ombudsman Appointment Board were outlined. Members of the Committee were acting representatives of the Associated Students and Faculty Senate. A document on "Academic Freedom, Rights and Responsibilities of Students," which was submitted for ratification to the Faculty Senate, Student Council, President and Board of Trustees, is included. (JS)

ED028738

Passed by Faculty Senate-October 14, 1968
Passed by Associated Students-October 15, 1968

I. INTRODUCTION

This report shall serve as a composite of recommendations resulting from committee meetings of the Ombudsman Proposal Committee extending from Spring, 1968, through Summer of 1968. This report in no way represents the final decisions of this committee and will be subject to such alterations as deemed necessary by the committee.

Within this report, the following shall be presented: (1) The Ombudsman Concept in brief: (2) a summary of the need for applying such a concept at Colorado State College; (3) a detailed description of recommendations including epplanations made by the Ombudsman Proposal Committee (4) a summary of the report including names of individuals having served or now serving on the committee.

II. THE OMBUDSMAN CONCEPT IN BRIEF

In essence, the concept aims at bridging the gap between a governing administrative structure and the constituents of that structure. A possible reason for the rapid spread and utilization of the concept is aptly stated by Professor Donald C. Rowat, as follows, "A short answer is that the growth of the welfare state has made necessary new protections against bureaucratic mistakes and abuses of power." It becomes then, an effort to establish an individual or body of individuals that may directly receive complaints or indications of confusion from the general constituent, act on the complaint in the form of advice and/or further investigation, make known the results

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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of the investigation in such a way that those parties concerned will be fully aware of the results, and capable of continuous evaluation of policies and procedures affecting the constituent all with a minimum of time and expense incurred. To "cut the red tape" and "trouble-shoot the system" may simply indicate the intent of the Ombudsman Concept.

The first Ombudsman has been traced back to Sweden in 1807, then called the Justitie-Ombudsman. Some basic features of that early Ombudsman are still assumed in the most contemporary and most effective applications. Briefly, these features include:

1. The Ombudsman is an officer of the legislature (or any policy body) and not of the executive (President, Governing Board, Etc.).

2. The Ombudsman assumes an impartial position as an investigator and is politically independent of the legislature (not simply an administrative agency).

3. The Ombudsman is significantly unlike the courts (board of appeals, or any authorized body that hears a case and interprets the legitimacy of such case) because, the Ombudsman assumes no authority to alter or change a decision already made by the court, legislative body or administrative body.

4. The Ombudsman is free to investigate on his own initiative whether complaints are visable or not.

5. The Ombudsman is capable of performing his duties in a relatively informal, direct, speedy and inexpensive manner.

As we shall see later in this report, these are the basic features of the Ombudsman concept that we, too, are attempting to capitalize on.

III. SUMMARY OF NEED FOR THE OMBUDSMAN

The student, even in view of an effective student government, is handicapped in his ability to communicate with college structure. First, he is handicapped by the nature of his role. A full-time, or even part-time student cannot often engage in student activities or other expressive media. He has limited time, and in some cases, limited opportunity to learn of available channels for voicing opinion, inability to seek the proper individuals or groups to which he may present his concerns, or he may not feel adequately free to be openly expressive as a result of his student status. Secondly, the student is the most transient member of the college community inferring added time limit, as well as limitations imposed on his attempts at organization. The student government often finds itself plagued by its transitory lack of continuity and general inability to speedily respond to the needs of individual students

The need then might be met by affording an easily accessible and constant channel to which the student can resort--one which concentrates on listening to complaints, advising and/or investigating on those complaints, and offering some positive opportunity for the findings of the investigation to be heard. Such a channel may be structured on the order of the Ombudsman.

IV. COMMITTEE RECOMMENDATIONS AND EXPLANATIONS

The recommendations and additional explanations of the Ombudsman Proposal Committee shall be discussed under three primary considerations.

One, a general over-view of what the Ombudsman of Colorado State College should be. Secondly, how should the Ombudsman be established, and, thirdly, consideration of the basic structure, authority and responsibility of the Office of Ombudsman.

What Should the Ombudsman of Colorado State College Be?

In reference to Section II, The Ombudsman Concept in Brief, this committee has attempted to capitalize on the original features of the Swedish Ombudsman. Thus, the Ombudsman is conceived as being a high level officer of the total college community, authorized and responsible by and to the students and the institution. Emphasis shall be placed on his ability to receive complaints in various form from students, pursue inquiry into matters involved, effectively report findings of the inquiries and offer advice to parties involved. The Ombudsman shall assume a special kind of authority, privilege and power as will be discussed under another heading.

How Shall the Ombudsman be Established?

The Ombudsman shall be jointly responsible to the students and the institution and members thereof. The Associated Students and Faculty Government shall authorize and jointly support the application of the Ombudsman concept. In order to formalize the joint effort, a representative body shall emerge from these two original factions. The governing body shall be referred to as the Ombudsman Appointment Board.

STRUCTURE OF THE OMBUDSMAN APPOINTMENT BOARD

I. Membership shall include six (6) appointed members.

A. Three (3) full time students appointed or elected in a manner designated by the Associated Students Council to include two (2) undergraduate students, and one (1) graduate student.

Comment: A full time student shall be defined in accordance with the Associated Students Constitution.

Recommendation: Student membership shall preferably consist of students not otherwise assuming responsibilities as elected or appointed officers of the Associated Students.

B. Two (2) full time faculty members appointed or elected in a manner designated by the Faculty Senate.

Comment: Faculty shall be defined as any member assuming full-time Faculty rank.

Recommendation: Faculty members shall preferably consist of members not otherwise assuming responsibilities as an elected or appointed officer of the Faculty Senate, with exception of the representative of the college.

C. One (1) representative of the College, preferably the Assistant to the President--Faculty, or as otherwise determined by the President of the College.

II. Terms of Office

A. Student terms of office shall be staggered as follows:

1. One (1) undergraduate student shall be selected to serve for a minimum of two (2) consecutive years.

2. One (1) undergraduate and one (1) graduate student shall be selected to serve a minimum of one (1) year.

   Note: Upon completion of minimal terms, the students may be re-selected to serve an additional term of one (1) year only.

B. Faculty terms of office shall be staggered as follows:

1. One (1) faculty member shall be selected to serve a minimum of two (2) consecutive years.
2. One (1) faculty member shall be selected to serve a minimum of one (1) year.
3. The College representative shall serve a term of not less than three years, or as otherwise determined by the President of the College.

   Note: Upon completion of minimal terms, the faculty members may be re-selected to serve an additional term of one (1) year only.

III. Selection of Chairman and Vice-Chairman

A. The Chairman shall be selected by the three (3) students, already appointed as members of the board, from either a list of nominations submitted by the Associated Students Council or nominations submitted by any of the (3) student members. The Chairman shall be a full-time student assuming any class positions.

   Note: The student selected as chairman may, or may not otherwise assume responsibilities as an elected or appointed officer of Associated Students.

   Comment: According to accepted parliamentary procedure the chairman, once selected, shall conduct meetings and assume voting privileges only in case of a tie.

Recommendation: It is recommended that the three (3) faculty members of the board prepare and present recommendations for nomination or selection of the student Chairman, although they shall not assume voting privileges.

B. The Vice-Chairman shall be the representative of the College, or as otherwise determined by the President of the College.

Comment: According to accepted parliamentary procedure, the Vice-Chairman shall assume the duties of the Chairman in his absence and will otherwise possess voting privileges.

IV. Responsibilities of the Ombudsman Appointment Board.

A. It shall be the original responsibility of the Appointment Board to prepare and propose, to the Faculty Senate and Associated Students Council, the yearly budget of the Office of Ombudsman. This budget shall include salaries and expenses. Thereafter, the Appointed Ombudsman shall prepare the budget and submit it to the Appointment Board for review and proposal.

Note: Refer to Financial Structure, page 9 of this report.

B. It shall be the responsibility of the Appointment Board to initiate the appointment of the Ombudsman subject to endorsement of the Student Council and the Faculty Senate. Upon endorsement the Appointment Board shall administer the contract to be finally signed by the President of Colorado State College.

C. It shall be the responsibility of the Appointment Board to seek and obtain adequate and accessible office space, equipment and secretarial assistance beyond the capabilities of the appointed Ombudsman.

D. It shall be the responsibility of the Ombudsman Appointment Board to hear and prescribe recommended procedures to be utilized by the Ombudsman. Unless the procedures originally defined by the Ombudsman raise some question, this board shall not be required to pass judgment. However, it is essential that the appointed Ombudsman inform all members of the Board of the methods and procedures and of any changes forthcoming.

E. It shall be the responsibility of the Ombudsman Appointment Board to receive and hear complaints, formally made against the Ombudsman whether they be directed toward criticism of one or all aspects of the office of Ombudsman. Any complaints made against the Ombudsman shall immediately be acted upon and presented to the Ombudsman. Complaints may be made by any member of the academic community.

F. It shall be the responsibility of the Ombudsman Appointment Board to initiate for just cause, procedures to retract the extended contract to the appointed Ombudsman. Just cause may rise from one or a number of complaints by any member of the academic community, members of the Ombudsman Appointment Board or members of either the Faculty Senate or Student Council.

Note: Upon initiation of the contract retraction, the Faculty Senate and Associated Students Council shall be informed of such action. Before such action may be final, two thirds (2/3) negative vote supporting such action must be taken by both the Faculty Senate and the Student Council independent of each other, or a unanimous negative vote supporting such action by either body.

G. The Ombudsman shall have the alternative of appealing the initiation

of contract retraction to the Faculty Senate and Associated Students council prior to their formal hearing of the accusations.

Note: The Appointment Board shall be compelled as will the Appointed Ombudsman to consider ethical and confidential standards in preparing and presenting the annual review to either the Faculty Senate or Student Council.

FINANCIAL STRUCTURE

I. The financial structure of the Office of Ombudsman shall include support for contracted salary and office expenses from joint sources.

   A. The Associated Students shall support one-half (1/2) of necessary financial expenses for both salary and office needs.

   B. The Faculty Government, through the auspices of the Faculty Senate, shall draw from funds to support one-half (1/2) salary and office needs.

II. The responsibility for preparing the annual budget for the Office of Ombudsman shall originally be the responsibility of the Ombudsman Appointment Board, and thereafter the cooperative responsibility of the Appointment Board and appointed Ombudsman.

   A. During preparation of the budget proposal, it shall be the responsibility of the Appointment Board to assess the financial needs of the Office of Ombudsman and the feasibility of projected support from the College and student funds.

   B. If, in the event a contract agreement extends over a period of one (1) year, the College and Associated Students shall be ethically and legally held to that contract, with retraction possible only under

defined procedures as specified under IV, Section F.

Note: It shall be necessary that a budget proposal be prepared and proposed at such a time to allow for the pre-planning of the coming year.

Recommendations: It is recommended that budget proposal be prepared and submitted to the Faculty Senate and Student Council prior to the end of the Winter quarter of each year.

THE INTENT OF THE OMBUDSMAN AND PRESCRIBED METHODS

I. It shall be the intent of the Ombudsman prescribed by this committee that he, the Ombudsman, be as free and independent from the regular operation of the institution as can be made possible, and as is necessary to meet the needs of the students and the institution.

A. The Ombudsman shall be reasonably free of direct pressures either of interest or political nature brought upon him by the faculty governing bodies or student governing bodies through his direct relationship and immediate responsibility to one board. (The Ombudsman Appointment Board.) And, that the Ombudsman shall have, according to IV, Section F of this report, alternative appeal to the Faculty Senate and Student Council.

B. The Ombudsman shall be reasonably free from pressure of political or interest groups or individuals outside the academic community, from state of Colorado, the Board of Trustees or the President of Colorado State College by placing the primary responsibility for maintaining and developing the Office of Ombudsman in the hands of the Ombudsman Appointment Board.

Note: Any civil charges, pressures from community, state, President or Board of Trustees brought against the appointed Ombudsman as a

result of his conduct or actions as a private citizen shall not assume the designated responsibility of the Ombudsman Appointment Board.

C. In the event of Civil Suit or other charges directed to the Ombudsman, the Ombudsman Appointment Board shall confer with the Ombudsman to determine whether he has complied with prescribed institutional policy and the policies and procedures governing the office of Ombudsman.

II. The Ombudsman shall have adequate time necessary to perform duties and necessary access to information, regular faculty government committees and bodies, as well as Associated Students committees and bodies as prescribed.

A. The Ombudsman shall be under a full-time contract and agreement to extend over a period of nine months or as otherwise indicated. He shall be subject to regular rules, policies and procedures required of all full-time faculty employees with exception of those not circumstantially fitting.

B. The Ombudsman shall have reasonable access to all information considered essential for necessary inquiry or other tasks within the policies regarding confidential information and other ethical and legal limitations.

Note: The Appointment Board shall interpret this section when question arises.

C. The Ombudsman shall assume Associate Membership on all faculty government standing committees and all Associated Student Council committees and boards. Associate membership shall afford:

1. attendance at any or all regular meetings unless limited in accordance with constitutional authorization under special circumstances.
2. The capability of introducing a motion, obtaining the floor for comment or for other reasons of making presentations in accordance with the regular voting membership privileges.

   Comment: The Ombudsman is not compelled to attend meetings, nor does he assume any voting privileges in any official body of the faculty or student government. This shall include the Ombudsman Appointment Board. It should be implied at all faculty and student committees, Council or Senate meetings that a second to a motion is a courteous gesture allowing the motion to be fully considered.

III. It shall be the responsibility of the Ombudsman to inform students of his services, acquaint himself with the structure and operations of the institution, develop effective and efficient methods of receiving and acting on complaints, conducting investigations and presenting and making recommendations on the basis of the results of his investigations.

   A. The first, and foremost, responsibility of the Ombudsman shall be to respond directly to the students, their complaints and their questions.

   B. A primary responsibility will be that of informing the student body of his service. He should elicit the support of all available persons, utilize campus publications, and constantly meet with students as time permits.

   C. From the very beginning, the Ombudsman should develop a good

understanding of the structure and operation of Colorado State College. Utilizing written matter as well as resource personnel in the institution would be necessary.

D. Developing effective and efficient means of receiving and processing complaints with a minimum of time and confusion will be a primary responsibility.

E. Developing means of conducting and reporting investigations that are congruent with policy and philosophy of the institution, effective and efficient, and relatively non-threatening shall be a major responsibility. Note: The Ombudsman is expected to utilize the direction, guidance and assistance afforded by the Ombudsman Appointment Board.

SUMMARY

We have attempted to present an adequate explanation of the Ombudsman concept followed by the detailed list and clarification of committee recommendations. Realizing the basic notions that underlie such a concept will assist the reader when considering the total concept in application. The Ombudsman concept is not simple as indicated, and cannot be viewed in the same perspective as other legislative, administrative or judicial establishments. It lies somewhere between all three, with the potential of improving not only the system, but the ability of the system to respond to its constituents. This is our attempt to apply such a concept.

COMMITTEE MEMBERSHIP

Since the latter part of Spring Quarter, 1968, various students and faculty members have taken much time and put much effort into the development of the Ombudsman concept. They are listed as follows:

Miss Prudence Warren
Dr. Sam Freeman
Mr. Dan McCarthy
Mr. Ernest Woods
Mr. Ned Callan
Mr. Robert Longwell
Mr. Ken Centner

The students serving on the committee were acting representatives of the Associated Students. Faculty members were active representatives of the Faculty Senate.

My thanks is expressed to all members for their time, efforts, and insight.

Respectfully submitted,

Kent L. Jackson, Director
Student Rights Project
Colorado State College

Revision

ACADEMIC FREEDOM, RIGHTS AND RESPONSIBILITIES OF STUDENTS

Colorado State College

Adopted October 1968

PREAMBLE

The purpose of Colorado State College is to provide an environment in which the graduate or the undergraduate student may develop into an effective citizen, and a useful and productive member of society.

Free inquiry and free expression are essential attributes of the college community. As members of the community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained independent search for truth. The freedom to learn depends upon opportunities and conditions in the classroom, the campus, and in the larger community. The responsibility to secure and respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Students are obligated to exercise their freedom with maturity and responsibility.

I. In the Classroom: It is the responsibility of the instructor to (1) inform students of course requirements, (2) evaluate students fairly on the basis of their academic performance (abilities and skills) as required by the professor in the discipline of study, (3) encourage free and open discussion, inquiry and expression in the classroom and in conference, and (4) provide competent instruction and advisement. It is the responsibility of students to (1) inquire as to course requirements when in doubt about them, (2) maintain the standards of academic performance established by their professors and courses of study and (3) initiate investigative proceedings if they believe their academic rights have been violated.

   A. Protection of Freedom of Expression. Students are responsible for learning thoroughly the content of any course of study, but are free to take exception to the data or views presented and to reserve judgment about matters of opinion.

   B. Protection Against Improper Disclosure. Information regarding student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors is considered confidential. Protection against improper disclosure is considered a professional obligation. Judgments of ability and character may be provided under circumstances of academic evaluation as required by the discipline of study.

   C. Protection Against Improper Academic Evaluation. Students can expect protection, through orderly procedures, against prejudice or capricious evaluation.

II. Investigation of Students' Academic Rights:

   A. Minor academic problems. Problems which involve classroom instruction will be reviewed by the professor of the class in which a complaint originates.

B. Departmental problems. Problems which involve departmental policy or college policy will be reviewed by the student's academic adviser.

C. Recourse for unresolved problems. Major academic problems or minor academic problems not resolved by the student's professor or adviser shall be investigated by the chairman of the academic department in which the problem originated. If after the investigation the problem is not resolved, the student may appeal his case to the Academic Appeals Board. The request for appeal must be submitted to the Board Chairman (Dean of the College) in writing within 24 hours or the next school day after the close of the investigation. If an investigation is not completed or closed, an appeal may be made up to the last day of the first four week period of the next quarter following the quarter the problem originated.

D. The Academic Appeals Board. The Board is composed of the following individuals:

Dean of the College (Chairman)
Dean of Men or the Dean of Women, depending on the sex of the appellant
One male and one female faculty member appointed by the Faculty Senate for a two year term (to be rotated so that only one person's term expires each year)
One male and one female student appointed yearly by the Student Council.

The Vice President of the Faculty Senate will appoint as needed faculty alternates for the Appeals Board and the President of Associated Students will appoint as needed student alternates. Any member of the Appeals Board who feels he can not render an impartial decision for a pending case should so notify the Chairman and ask to be excused from hearing the case. The student requesting the appeal must be present at the hearing which will be closed to those not directly involved; however, the student has the right to be represented at the hearing by a person of his own choosing. If legal counsel is used by the student, the college reserves the right to be likewise represented.

The department chairman, instructor and other administrative officials who have knowledge of the case may serve as resource personnel to the Board for the hearing, but will not participate in the Board's deliberations.

1. In appeal cases concerning evaluation of student performance or decisions of the instructor which affect the ability of the student to complete the course requirement, the academic freedom of the instructor will be upheld. However, the Board may by majority vote recommend changes in evaluation, or decisions of the instructor. The student, instructor and department chairman (Student Teaching Office when applicable) shall receive notification of recommendations following the decision of the Academic Appeals Board.

2. With the above exceptions, the Academic Appeals Board may by majority vote (the Board Chairman will vote only in the case of a tie) modify or set aside the originated decision.

3. The Appeals Board shall base its decisions on the existence of any of the following conditions:

a. that the evidence against the student is insufficient to warrant the action taken by the instructor or the department.

b. that the judgment of the instructor or department was prejudiced or capricious.

c. that the decision of the instructor or department was inconsistent with existing college policy.

If a majority vote is not obtained the original decision will stand.

III. Student Records: To minimize the risk of improper disclosure, academic and disciplinary records are filed separately. The student's permanent educational record is maintained by the institution. Transcripts of the academic record contain only information regarding the academic status. Neither the academic record nor data from the disciplinary and counseling files is available to unauthorized persons on or off campus without the student's consent. No records are kept which reflect the political activities or beliefs of students. Faculty, student personnel officers, and administrative staff are obligated to respect confidential information about students which they acquire in the course of their work.

IV. Student Affairs: To preserve academic freedom of students certain standards are maintained.

A. Freedom from Arbitrary Discrimination. Colorado State College is open to all students who are academically, physically, and emotionally qualified. College facilities and services are available to all students, and the institution will endeavor to secure equal access for all students in public facilities in the local community.

B. Freedom of Association. All campus orgainzations must be chartered each year through the Associated Students' Council to the Department of Student Personnel. Activity facilities of the campus may be used by all groups recognized by the Student Council to promote their common interests.

1. Affiliation with an extramural organization does not in itself affect recognition of a student organization.

2. In order to be chartered, a student organization is required to submit a constitution, list of current officers and the faculty adviser's name, but is not required to submit a membership list. The constitution must state the objectives of the organization, and the organization must adhere to the stated objectives. No organization may be chartered whose objectives are either implicitly or explicitly to destroy the institution or disrupt its regular or essential operation.

3. Student organizations are free to select their own campus adviser from the college faculty and staff, with the possible exception of specific male or female organizations.

4. Campus organizations should be open to all students without respect to race, religion, creed, or national origin. Evidence of organizational discrimination with respect to race, religion, creed, or national origin should be reported to the Student Personnel Council and to the Associated Students' Council.

5. Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately subject to laws of libel and slander. They are also free to support causes by orderly legal means which do not disrupt the regular and essential operation of the institution.

6. Students may invite and hear any person of their own choosing. Campus activity facilities are available to all chartered organizations for speakers or programs of their choosing, providing scheduling procedures are observed. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. Student Participation in Institutional Government. Colorado State College believes in the desirability of student participation in the government of the institution. As constituents of the academic community, students are encouraged individually and collectively to express their views on issues in policy making operations and in the administration of policy on campus. Student representation and expression on college issues are under the direction of the Associated Students' Council. Through the Student Council and the student representative bodies, students have the opportunity to participate in the formulation and application of regulations affecting academic and student affairs.

1. Associated Students' Authority. The Student Council is composed of student representatives who are elected by the student body. The jurisdiction of the Associated Students is through the authority of the administration of Colorado State College. The Student Council operates as an autonomous legislative body under the advisership of the Dean of Students.

2. Associated Student Finances. The program of the Associated Students is financed through student fees assessed by the college during the registration of Fall, Winter, and Spring Quarters and through revenue from various Associated Students' projects. All Associated Students' funds are supervised and maintained by the Business Manager of the Associated Students.

D. Student Publications. Student publications can be a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and an intellectual environment on campus. They provide an opportunity for student concerns to come to the attention of students, faculty, and administration and an opportunity to formulate student opinion on various issues.

1. Editors and managers are free to develop their own editorial policies and news coverage subject to the prescribed procedures (which include the limitation of gross obscenity) of the Student Council, the Publications Committee, and laws of libel and slander.

2. Editors and managers are expected to subscribe to canons of responsible journalism and are subject to removal from office only through prescribed and orderly procedures of the Publications Committee and Student Council.

3. Student publications not under the formal auspices of the Publications Board may be circulated on the campus, but its content is the responsibility of the editor(s) and must adhere to the canons of responsible journalism, and be subject to the laws of libel, slander, and decency.

E. Investigation of Student Affairs Rights. Investigation of complaints concerning rights in the student affairs area will be assigned, unless otherwise provided for within this document, to the Judicial Board of the Associated Students.

V. Off-Campus Freedom of Students:

A. Exercise of Rights of Citizenship. As citizens, students have the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and are subject to the same civil laws as other citizens. Institutional policies and regulations are designed to encourage intellectual and personal development of students as often promoted by their off-campus activities and their exercise of the rights of citizenship.

B. Institutional Authority and Civil Penalties. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority will not be used merely to duplicate the function of general laws. However, when the institutional interests as an academic community are distinct from those of the general community, the special authority of the institution can be asserted. Students who violate institutional regulations in off-campus activity are subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

VI. Standards of Disciplinary Proceedings: The authorities of educational institutions have the inherent responsibility to protect the educational purpose through the regulation of the use of their facilities and through the setting of standards of conduct and scholarship for the students who attend them. In developing responsible student conduct, connseling, guidance, and admonition as well as disciplinary proceedings will be used. Proper procedural safeguards are observed to protect the student from the unfair imposition of penalties.

A. Standards of Conduct. Codes of conduct should be listed in college publications and are communicated through groups and organizations of the college community by meetings, publications, and contracts. It is the student's obligation to conduct himself as a responsible citizen, to abide by the college's stated rules and regulations, and to express either assenting or dissenting opinions in an orderly manner that does not disrupt the regular and essential operation of the institution.

B. Investigation of Student Conduct.

1. The college reserves the right to inspect college premises occupied by students. A visual room inspection can be made by the residence hall director if accompanied by a student. Except for extraordinary circumstances, premises occupied by students will not be searched. In extraordinary circumstances, a room may be searched by two appointees of the Department of Student Personnel when sufficient evidence for search has been submitted to the Department of Student Personnel and the Department has given authorization for the search. Evidence shall consist of credible testimony, direct evidence, or strong circumstantial evidence. There will be no mass searching of entire residence hall buildings. For premises not controlled by the institution, the ordinary requirements for lawful search are to be followed.

2. Students detected in the course of serious violations of institutional regulations are to be given a hearing with a college disciplinary authority and informed of the charges against them. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about the conduct of other suspected persons.

C. Status of Student Pending Final Action. Pending action on the charges, the status of a student and his right to be present on the campus and to attend classes will not be altered except for reasons relating to his physical or emotional safety and well being, or for reasons relating to the safety of students, faculty, or college property.

D. Disciplinary Committee Procedures. The formality of the procedure to which a student is entitled in disciplinary cases should be proportionate to the gravity of the offense and the sanctions which may be imposed. Minor penalties may be assessed informally under prescribed procedures. When misconduct may result in serious penalties, the penalties will be determined by committee action.

1. The primary administrative responsibility for student discipline shall be vested in the Dean of Men and the Dean of Women. Cases involving women students will normally be administered by the Dean of Women or her designatee and cases involving men students will normally be administered by the Dean of Men or his designatee. In student conduct cases that involve severe emotional problems and/or actions that threaten to disrupt the orderly operation of the institution, the deans may take whatever immediate action he or she deems necessary to protect the student and/or the institution. The student will, however, have the right to appeal such action.

2. Disciplinary cases involving minor infractions of college regulations will be handled by the respective dean or by individuals or councils appointed by the dean to deal with such cases. Penalties for these kinds of violations will not involve suspension or expulsion from the institution. Should the council or individual dealing with such a case feel an emotional problem exists that warrants professional help, the case may be referred to an appropriate source. If those handling the case believe that suspension or expulsion may be warranted,

the case must be referred, with such a recommendation, to the respective dean for further consideration.

3. Disciplinary cases involving substantial violations of college policies will be investigated by the respective dean. If the dean believes that disciplinary action involving suspension or expulsion may be warranted, he or she will call a meeting of the Disciplinary Committee to consider the case, make whatever additional investigation deemed necessary, hold requested hearings which are judged pertinent to the case, and render a written decision concerning the disposition of the case to the student.

4. The Disciplinary Committee is composed of the following individuals:

   The non-investigating Dean of Men or Dean of Women (Chairman)
   One male and one female member of the academic community chosen yearly by the Department of Student Personnel
   The investigating Dean of Men or Dean of Women will serve as an ex officio (non-voting) member

5. Should the student wish to appeal the decision of the Disciplinary Committee, he or she must, within 24 hours, express in writing to the Dean of Students his intent to appeal. The Dean of Students will convene, as soon as possible, the Disciplinary Appeals Board to hear the case. The student, however, will be allowed no fewer than three days to prepare his appeal if he requests such time. Longer periods for appeal preparation may be granted the student if the Appeals Board deems it necessary.

6. The Disciplinary Appeals Board is composed of the following individuals:

   Dean of Students, Chairman
   One male and one female faculty member elected by the Student Personnel Council for a two year term (to be rotated so that only one person's term expires each year). Alternates for each faculty position will also be elected by the Student Personnel Council.
   One male and one female student appointed yearly by the Student Council Judiciary Board for a one year term. Alternates for each student position will also be appointed by the Student Council Judiciary Board.

Any member of the Appeals Board who feels he can not render an impartial decision for a pending case should so notify the Chairman and ask to be excused from hearing the case. The student requesting the appeal must be present at the hearing which will be closed to those not directly involved; however, the student has the right to be represented at the hearing by a person of his own choosing. If legal counsel is used by the student, the college reserves the right to be likewise represented.

7. The Disciplinary Appeals Board may be majority vote, modify or set aside any ruling of the Disciplinary Committee if it determines any of the following conditions exist:

   a. that the evidence against the student is insufficient to warrant the action taken by the Disciplinary Committee.

   b. that the judgment of the Disciplinary Committee was prejudiced or capricious.

   c. that the decision of the Disciplinary Committee was inconsistent with existing college policy.

   If a majority is not obtained, the decision of the Disciplinary Committee will stand.

VII. Method of Amending:

A. Suggested amendments to this document must be presented in typewritten form to the President of the Associated Students of Colorado State College.

B. The proposed amendment must be supported by the signature of no fewer than 25 students and no fewer than 5 faculty members.

C. A 2/3 vote of both the Faculty Senate and the Student Council of Associated Students will be necessary for approval.

D. Final adoption of the amendments is subject to the approval of the President of Colorado State College and the Board of Trustees of the State Colleges.

VIII. Ratification:

A. Ratification is contingent on the majority vote of the Faculty Senate and the majority vote of the Student Council of the Associated Students.

B. Ratification is subject to the approval of the President of Colorado State College and the Board of Trustees of the State Colleges.

Endorsed by: _____

_____

Date: _____